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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

Committee Substitute for

SENATE BILL NO. 357

(By Senator WOOTON, ET AL)



PASSED MARCH 10, 1995

In Effect 90 days FROM Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 351

(SENATORS WOOTON, DITTMAR, YODER,
SCHOONOVER AND WIEDEBUSCH, ORIGINAL SPONSORS)

[Passed March 10, 1995; in effect ninety days from passage.]

AN ACT to amend article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to the tolling of statutes of limitation upon claims and causes of action which have not been instituted prior to a stay or order resulting from a bankruptcy proceeding.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-22. Effect of bankruptcy.

1 The running of any statute of limitation shall be tolled
2 for any claim or cause of action for which the prosecu-
3 tion of the same within the period of limitation has been
4 stayed by the provisions of the United States bankruptcy
5 code or by an order entered in a bankruptcy proceeding
6 pending the duration of the stay or the effective period
7 of the order and for a period thereafter of the remaining
8 period of limitation or for one year, whichever is longer.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy L. Thompson
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David R. Bell
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Mark L. Calton
.....
Speaker House of Delegates

The within *is approved* this the *20th*

day of *March*, 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR,

Date 3/17/95

Time 3:28 pm